

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

LINCOLN NATIONAL LIFE INSURANCE CO.,)	
)	
Plaintiff,)	
)	Case No.: 1:10-cv-06142
v.)	
)	Judge Virginia M. Kendall
TCF NATIONAL BANK,)	
)	Magistrate Judge Susan E. Cox
Defendant.)	
)	
<hr style="width: 40%; margin-left: 0;"/> TCF NATIONAL BANK,)	
)	
Counter/Third-Party Plaintiff,)	
)	
v.)	
)	
LINCOLN NATIONAL LIFE INSURANCE CO.,)	
THE KLARCHEK FAMILY TRUST, and)	
SUNSET VILLAGE LIMITED PARTNERSHIP,)	
)	
Counter-Defendant and)	
Third-Party Defendants.)	

**PLAINTIFF’S MOTION FOR DETERMINATION OF ATTORNEYS’ FEES
AND RELATED NON-TAXABLE EXPENSES PURSUANT TO FED. R. CIV. P. 54(d)(2)**

Plaintiff, The Lincoln National Life Insurance Company (“Plaintiff” or “Lincoln National”), by its attorneys, Leonard S. Shifflett and Michael S. Rhinehart, requests that this Court enter a judgment in its favor setting the amount of attorneys’ fees and related non-taxable expenses incurred by Plaintiff in this litigation pursuant to FED. R. CIV. P. 54(d)(2) and LR 54.3.

In support of its motion, Plaintiff states as follows:

1. On June 20, 2012, the Clerk of the Court entered judgment in a civil action (Docket #102) directing TCF to pay Lincoln National the “outstanding sum of a letter of credit in

the amount of \$1,281,832.54, plus interest, attorneys' fees, costs, and expenses incurred in litigating this matter."

2. Lincoln National engaged the attorneys who have appeared in this matter and the firm of Quarles & Brady LLP to represent it in this litigation.

3. Plaintiff has incurred legal fees (which include paralegal charges and an estimate of fees to conclude this matter) in the total amount of \$194,543.25. Additionally, Plaintiff has incurred non-taxable expenses in the amount of \$5,047.28. Interest has accrued in favor of Plaintiff in the amount of at least \$127,879.58. Plaintiff reserves the right to increase these amounts if omissions or errors are discovered during the course of complying with LR 54.3.

4. With the filing of this motion, Plaintiff has submitted a Bill of Costs (Docket #105), a copy of which is attached hereto as Exhibit 1. The amounts on the Bill of Costs are not included in the above-mentioned amounts. However, should any amounts on the Bill of Costs be disallowed as costs not recoverable by statute and rule, Plaintiff requests that such amounts be recovered as expenses incurred in litigating this matter pursuant to this motion.

5. Plaintiff has had an inadequate amount of time to comply with the requirements of LR 54.3. Plaintiff intends to provide the required information to the Defendant on or before July 11, 2012, which is within the 21-day period called for under LR 54.3(d)(4).

6. This motion is filed at this time in order to comply with FED. R. CIV. P. 54(d)(2)(B)(i), which contains a fourteen (14) day requirement.

7. Plaintiff requests that this Court hold this motion in abeyance until the parties have had a timely opportunity to comply with LR 54.3.

WHEREFORE, Plaintiff, The Lincoln National Life Insurance Company, requests that this Court enter a judgment in its favor setting the amount of attorneys' fees and related non-

taxable expenses incurred by Plaintiff in this litigation pursuant to FED. R. CIV. P. 54(d)(2) and LR 54.3.

Respectfully submitted,

THE LINCOLN NATIONAL LIFE INSURANCE
COMPANY

By: /s/ Leonard S. Shifflett
One of Its Attorneys

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